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Paper No. 21

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MONTROSE, CA 91020

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**JUL 15 2005**

**OFFICE OF PETITIONS**

In re Application of  
Bowker et al.  
Patent No. 5,467,122  
Application No. 08/046,335  
Filed: April 12, 1993  
Issued: November 14, 1995  
Attorney Docket No. xAA-05

ON PETITION

RECEIVED  
OPE/AP  
AUG 25 2005

This is a decision on the petition under 37 CFR 1.378(c), filed March 15, 2004, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is not final agency action within the meaning of 5 U.S.C. § 704.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. § 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2).

This petition lacks items (2) and (3) above. The funds were attempted to be collected from petitioner's deposit account, No. 12-1639 numerous times, but there was never sufficient funds. As of July 2005, the account is listed as having a negative balance. Accordingly, to reinstate the above-identified application, petitioner must supply the maintenance fee and the \$1640.00 surcharge.

**Any petition for reconsideration of this decision must be accompanied by the petition fee of \$130 as set forth in 37 CFR 1.17(h).** The petition for reconsideration must include the lacking item(s) noted above, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Commissioner.

Petitioner should note that if this petition is not renewed, or if renewed and not granted, then the maintenance fees and post expiration surcharge are refundable. Petitioner may request a refund of the fees submitted on March 17, 2004. Please send all requests for refunds to the following address:

Mail Stop 16  
Director of the US Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

A copy of this decision should accompany petitioner's request.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                   Mail Stop PETITIONS  
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By fax:                   (571) 273-8300  
                              ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.



Liana Chase  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy